



Attorney's Docket No.: U 014869-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of Inventor:

PANG-LUN YANG

WARNING: *The Declaration must name all of the actual inventor(s).*

For (title):

PROCESSING METHOD FOR PATTERNING THE SURFACE OF AN OPTICAL ELEMENT

1. Type of Application

This new application is for a(n) (check one applicable item below):

- ☒ Original (nonprovisional)
☐ Design
☐ Plant

WARNING: *Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. 371(c)(4) unless the International Application is being filed as a divisional, continuation or continuation-in-part application.*

WARNING: *Do not use this transmittal for the filing of a provisional application.*

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date November 18, 2003 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 327550968 US' addressed to the: Assistant Commissioner of Patents, Washington, D.C. 20231

Jennifer Rashkin

(type or print name of person mailing paper)



(Signature of person mailing paper)

NOTE: *Each paper or fee referred to as enclosed herein has the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.10(b).*

WARNING: *Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.*

(Application Transmittal [4-1]—page 1 of 8)

EXPRESS MAIL LABEL
NO.: EV 327550968 US

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

NOTE: *If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.*

WARNING: *If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.*

WARNING: *When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional must be filed prior to the Saturday, Sunday or Federal holiday within the District of Columbia. See 37 C.F.R. § 1.78(a)(3).*

- ☐ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

NOTE: *If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.*

- ☐ Divisional.
☐ Continuation.
☐ Continuation-in-Part (C-I-P).

3. Papers Enclosed That Are Required For Filing Date Under 37 CFR 1.53 (Regular) or 37 CFR 1.153 (Design) Application

- 8 Pages of specification
 5 Pages of claims
 1 Pages of Abstract
 2 Sheets of drawing
☒ formal
☐ informal

WARNING: *DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. Comments on proposed new 37 CFR 1.84. Notice of March 9, 1988 (1990 O.G. 57-62).*

NOTE: *"Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page." 37 C.F.R. 1.84(c).*

(complete the following, if applicable)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)". 37 C.F.R. 1.84(b).

4. Additional papers enclosed

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 CFR 1.98)
- ☐ Form PTO-1449
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☒ Other
 - 1. ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY PERSON WITH SUFFICIENT PROPRIETARY INTEREST ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S) TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(B))
 - 2. STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR (37 CFR 1.47)
 - 3. STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR

5. Declaration or oath

- ☒ Enclosed
 - executed by *(check all applicable boxes)*
 - ☒ inventor.
 - ☐ legal representative of inventor. 37 CFR 1.42 or 1.43
 - ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
 - ☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. *See item 13 below for fee.*
- ☐ Not Enclosed.

WARNING: *Where the filing is a completion in the U.S. of an International Application but where a declaration is not available or where the completion of the U.S. application contains subject matter in addition to the International Application the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.*

- ☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of *all the above named inventor*. (The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).

NOTE: It is important that all the correct inventor(s) are named for filing under 37 CFR 1.41(c) and 1.53(b).

- ☐ Showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d).)

6. Inventorship Statement

WARNING: If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The inventorship for all the claims in this application are:

- ☐ The same
- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

7. Language

NOTE: An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$130.00 required by 37 CFR 1.17(k) is required to be filed with the application or within such time as may be set by the Office. 37 CFR 1.52(d).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

- ☒ English
- ☐ non-English
- ☐ the attached translation is a verified translation. 37 CFR 1.52(d).

8. Assignment

- ☒ An assignment of the invention to BENQ CORPORATION
- ☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.
- ☒ will follow.

NOTE: "If an assignment is submitted with a new application, send two separate letters—one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

WARNING: A newly executed "CERTIFICATE UNDER 37 CFR 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993. 1150 O.G. 62-64.

9. Certified Copy

Certified copy of application

Country	Appln. No.	Filed
Taiwan	91134116	November 22, 2002

from which priority is claimed

- ☒ is attached.
- ☐ will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 CFR 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

10. Fee Calculation (37 CFR 1.16)

A. ☒ Regular Application

Claims as Filed					
Number Filed			Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$770.00
Total Claims (37 CFR 1.16(c))	20	- 20	= 0	x \$	18.00
Independent Claims (37 CFR 1.16(b))	2	- 3	= 0	x \$	86.00
Multiple dependent claim(s), if any (37 CFR 1.16(d))				+ \$	290.00

☐ Amendment cancelling extra claims enclosed.

☐ Amendment deleting multiple-dependencies enclosed.

☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing Fee Calculation \$ 770.00

B. ☐ Design application
(\$340.00 — 37 CFR 1.16(f))

Filing Fee Calculation \$

C. ☐ Plant application
(\$530.00 — 37 CFR 1.16(g))

Filing Fee Calculation \$

11. Small Entity Statement(s)

☐ Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is(are) attached or has been filed.

Filing Fee Calculation (50% of A, B or C above) \$

NOTE: Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee. 37 CFR 1.28(a).

12. Request for International-Type Search (37 CFR 1.104(d)) (Complete, if applicable)

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made At This Time

- ☐ Not Enclosed
- ☐ No filing fee is to be paid at this time. *(This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.)*

☒ Enclosed

☒ basic filing fee \$ 770.00

☒ Recording assignment
(\$40.00; 37 CFR 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION.")

☐ Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached.
(\$130.00; 37 CFR 1.47 and 1.17(h)) \$

☐ For processing an application with a specification in a non-English language.
(\$130.00; 37 CFR 1.52(d) and 1.17(k)) \$

☐ Processing and retention fee
(\$130.00; 37 CFR 1.53(d) and 1.21(l))

☐ Fee for international-type search report
(\$40.00; 37 CFR 1.21(e)). \$

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78, indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid or the processing and retention fee of \$1.21(l) must be paid within 1 year from notification under §53(d).

Total fees enclosed \$ 770.00

14. Method of Payment of Fees

- ☒ Check in the amount of \$ 770.00
- ☐ Charge Account No. 12-0425 in the amount of \$

A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

15. Authorization to Charge Additional Fees

WARNING: If no fees are to be paid on filing, the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 12-0425.
- ☒ 37 CFR 1.16(a), (f) or (g) (filing fees)
- ☐ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 CFR 1.17 (application processing fees)

WARNING: While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under §1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. 1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27)

- ☒ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application ... prior to paying, or at the time of paying, ... issue fee". From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

16. Instructions As To Overpayment

- ☒ credit Account No. 12-0425
- ☐ refund



Signature of Attorney

Reg. No. 25,858

Tel. No. (212) 708-1945

William R. Evans
Ladas & Parry
26 West 61 Street
New York, NY 10023

☒ **Incorporation by reference of added pages**

(Check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

- ☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added ____

- ☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added ____

☒ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added 4

☐ **Statement Where No Further Pages Added**

(If no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item:)

☐ This transmittal ends with this page.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pang-Lun YANG

For: PROCESSING METHOD FOR PATTERNING THE SURFACE OF AN OPTICAL ELEMENT

(check and complete (a), (b), (c))

the specification of which:

- (a) ☒ is attached hereto.
- (b) ☐ was filed on _____, as Application No. _____ and was amended on _____ (if applicable).
- (c) ☐ was described and claimed in International Application No. _____, filed on _____ and as amended on _____ (if any).

**STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON
SIGNING ON BEHALF OF NONSIGNING INVENTOR**

I. I,

Hermit HUANG

Name of person making statement

157 Shan-Ying Road, Gueishan, Taoyuan 333, Taiwan, R.O.C.

Residing at

am the person signing the declaration on the above-identified application on behalf of the nonsigning inventor and make this statement as to the facts establishing my proprietary interest.

II. As of the date I signed the declaration for this application, the proprietary interest in this invention:

(check one)

- ☐ belong to me.
- ☒ belonged to the following juristic person:

Benq Corporation

Name of company or other juristic person

157 Shan-Ying Road, Gueishan, Taoyuan 333, Taiwan, R.O.C.

Address of company or other juristic person

and I am authorized to sign the statement on behalf of the juristic person, my title being

(type or print title of person making statement in corporation or juristic person)

Vice President & General Manager

NOTE: A person with sufficient proprietary interest may authorize any person, including an attorney or agent registered to practice before the PTO, to sign the application papers on its behalf. When this happens proof of this authority in the form of statement signed by an appropriate official of the corporation or juristic person must be submitted. M.P.E.P. § 409.03(b). 7th ed.

NOTE: An inventor may not authorize another individual to act as his agent to sign the declaration papers although he or she can authorize the filing of the application if he or she later makes the declaration. 37 C.F.R. section 1.41(c) and M.P.E.P. section 409.03(b), 7th ed.

III. I establish the proprietary interest by

(check and complete (d) or (e))

NOTE: Document that are not in the English language should be accompanied by an English translation. M.P.E.P. section 409.03(f), 7th ed.

A.



attaching a copy of the assignment of this invention by the nonsigning inventor.



attaching a copy of the agreement whereby the nonsigning inventor agreed to assign this invention.

NOTE: A typical agreement to assign includes the employment agreement whereby the nonsigning inventor agreed to assign all his inventions to his or her employer. If an agreement to assign is dependent on certain specified conditions being met, it must be establish in this statement that those conditions have been met. M.P.E.P. section 409.03(f), 7th ed.

OR

B.



Although there is no assignment or written agreement to assign, a sufficient proprietary interest is demonstrated by the attached legal memorandum establishing that a court of competent jurisdiction would, by the weight of authority in that jurisdiction, award title in the invention to me or the legal entity on whose behalf I have authority to sign.

NOTE: There should be filed a STATEMENT BY PERSON HAVING FIRST HAND KNOWLEDGE THAT NONSIGNING INVENTOR WAS EMPLOYEE OR OTHERWISE OBLIGATED TO PERSON WITH SUFFICIENT PROPRIETARY INTEREST WHEN INVENTION MADE.

NOTE: If the assignment being submitted is to be recorded, it should be submitted with an ASSIGNMENT (DOCUMENT) COVER SHEET or Form PTO 1595.

IV. ASSIGNEE'S STATEMENT

In accordance with 37 C.F.R. section 3.73, the assignee hereby states that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Date: (X)

✓ 11/12/03

(X)

Signature of person making statement

☐ Plus _____ Added Page(s)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pang-Lun YANG

For: PROCESSING METHOD FOR PATTERNING THE SURFACE OF AN OPTICAL ELEMENT

(check and complete (a), (b), (c))

the specification of which:

- (a) ☒ is attached hereto.
- (b) ☐ was filed on _____, as Application No. _____ and was amended on _____ (if applicable).
- (c) ☐ was described and claimed in International Application No. _____, filed on _____ and as amended on _____ (if any).

**STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR (37 CFR 1.47)**

NOTE: This statement as to the pertinent facts concerning the refusal of the nonsigning inventor to join in the application or where the nonsigning inventor cannot be reached must accompany the declaration signed on behalf of the nonsigning inventor by a joint inventor or by a legal representative who shows a proprietary interest. Where the entity with a proprietary interest executes the declaration on behalf of the nonsigning inventor there must also be a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. 37 CFR. 1.47(a) and (b).

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above identified patent application before deposit thereof in the Patent and Trademark Office.

(check next item, if applicable)

- ☒ Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

NOTE: The statement "must be signed, where at all possible, by a person having first-hand knowledge of the facts recited therein". MPEP § 409.03(d). If different persons have first-hand knowledge of different facts, then a declaration from each person as to those facts he or she knows should be submitted separately.

NOTE: Copies of documentary evidence, such as certified mail return receipt, cover letter of instructions, telegrams, etc. that support a finding that the nonsigning inventor could not be reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statement of fact as opposed to conclusions. M.P.E.P. § 409.03(d), 7th ed.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Yu Hui Sung

Name of person making statement

157 Shan-Ying Road, Gueishan, Taoyuan 333, Taiwan, R.O.C.

Address of person making statement

EFFORTS DURING CONVENTION YEAR TO PREPARE APPLICATION AND OBTAIN INVENTOR'S SIGNATURE

NOTE: In cases where priority under 35 U.S.C. § 119 is to be claimed, the 37 C.F.R. § 1.47 application should explain what efforts, if any were made during the Convention year to prepare the application and obtain the inventor's signature thereon. The period allowed by the Convention year should "be sufficient for the preparation and deposit of an application... in the form required by the rules"... Accordingly, 37 CFR. 1.47 may not be used "to save the parties from the consequences of their delay." M.P.E.P. § 409.03(d), 7th ed.

(use Supplemental Page(s) if necessary)

LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

NOTE: The last known address by the nonsigning inventor must be stated so that the PTO can forward the notice of filing of the application to the nonsigning inventor at said address. (37 C.F.R. § 1.47). A post office box is insufficient. M.P.E.P. § 409.03(e), 6th ed.

Pang-Lun YANG

Full name of nonsigning inventor

3F-2, No.2, Lane 71, Szu Wei Road, Wu Chi Chen, Taichung Hsien, Taiwan, R.O.C.

Last known address of nonsigning inventor

NOTE: Ordinarily, the last known address will be the last known address of the nonsigning inventor, but other addresses at which the nonsigning inventor may be reached should also be given in the space below. M.P.E.P. § 409.03(e), 6th ed.

DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

NOTE: Complete either these facts or the facts as to REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION PAPERS..

NOTE: In addition to a recitation of these efforts, which must have been made before the application was deposited in PTO. Copies of documentary evidence such as letters, telegrams, responses, etc. that support a finding that a nonsigning inventor could not be found or reached should, if applicable, be made part of the declaration. It is important that the affidavit or declaration contain statement of fact as opposed to M.P.E.P. § 409.03(d, 7th ed. conclusions.

(use Supplemental Page(s) if necessary)

**DETAILS OF REFUSAL OF NONSIGNING INVENTOR
TO SIGN APPLICATION PAPERS**

NOTE: Complete either these facts as to DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR..

NOTE: The circumstances of this refusal be specified by the person to whom the refusal was made and, before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings and declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor's attorney. The item and place of an oral refusal should be stated, or a copy of the written refusal should be attached.

If it is the conduct as a whole of the nonsigning inventor that is the refusal, then all the facts upon which this conclusion is based should be stated and a copy of any documentary evidence supporting these facts should be attached.

Where there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the documentary evidencing that refusal must be made part of the affidavit or declaration.

Whenever the nonsigning inventor gives a reason for refusing to sign the application papers, that reason should be stated. MPEP § 409.03(d), 7th ed.

I REACHED PANG-LUN YANG VIA TELEPHONE ON OCTOBER 16, 2003. DURING THIS CONVERSATION, HOWEVER, HE TOLD ME THAT HE WAS NO LONGER AN EMPLOYEE OF BENQ CORPORATION, AND AS SUCH HE REFUSED TO SIGN ANY DECLARATION OF HIS PENDING PATENT APPLICATIONS ASSIGNED TO BENQ CORPORATION.

(use Supplemental Page(s) if necessary)

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE
OR PRESERVE THE RIGHTS OF THE PARTIES**

NOTE: *This proof must be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 CFR 1.47 (b)), but is not a requirement when the person signing for the nonsigning inventor is a joint inventor. (37 CFR 1.47 (a))*

If a statutory bar is involved, the act or publication which is believed to constitute the bar should be identified. If a claim for priority is involved, the prior application or applications should be identified.

A diligent effort to prepare the application and obtain the inventor's signature thereon must be made, even if the application is being filed to avoid a bar or to claim priority. MPEP § 409.03(g), 7th ed.

Irreparable damage may be established by showing that a filing date is necessary to (1) avoid a statutory bar or (2) make a claim for priority, which should identify the prior application(s) involved.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the nonsigning inventor or that a firm plan for commercialization of the subject matter of the application has been adopted.

MPEP § 409.03(g), 7th ed.

*(if this proof is not needed and not being presented,
then draw a line through this page of the form.)*

(use Supplemental Page(s) if necessary)

Date: (X) 2003/11/12

(X) Yu Hui Sung
Signature of person making statement

☐ Plus _____ Added Page(s)